

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CEDRIC WOLFE,

Plaintiff,

-v.-

9:07-CV-0160
(LEK/DRH)

BENJAMIN BERGMAN, *District Attorney*;
COLLINS, *Police Officer, Binghamton*
Police Department; EGGLESTON, *Police*
Officer, Binghamton Police Department;
SHERIFF, *Broome County Jail*; and
UNDERSHERIFF, *Broome County Jail*,

Defendants.

APPEARANCES:

CEDRIC WOLFE
Broome County Jail
PO Box 2047
Binghamton, NY 13902
Plaintiff, *pro se*

LAWRENCE E. KAHN, U.S. DISTRICT JUDGE

DECISION AND ORDER

Presently before the Court is an Amended Complaint filed by Plaintiff Cedric Wolfe. Dkt. No. 6. This Amended Complaint was submitted by Plaintiff in compliance with the Decision and Order issued by this Court on March 29, 2007. March Order (Dkt. No. 5).

The March Order advised Plaintiff that he must clearly set forth the facts that give rise to any claims against Defendant Bergman and set forth how Defendant Bergman is involved in the alleged activities, so that the Court may determine if prosecutorial immunity is implicated. Id. at 4. Plaintiff was advised that he must assert allegations of personal involvement on behalf of each defendant. Id. at 5.

In his amended complaint, Plaintiff alleges that Defendant Bergman released Plaintiff's confidential information, including his photograph, social security number, birth date, address and statement made to the police, on or about January, 2005. Amended Complaint (Dkt. No. 6) at 4. Plaintiff alleges that Defendant Harder, Sheriff of Broome County Jail, failed to protect him from harm.¹ Id. at 5.

Plaintiff's Amended Complaint is accepted for filing with the Court.²

WHEREFORE, it is hereby

ORDERED, that "Collins," "Eggleston," and "Undersheriff" are **DISMISSED** as defendants in this action, and it is further

ORDERED, that the Clerk revise the docket to add "David E. Harder" as a defendant in this action in place of "Sheriff," and it is further

ORDERED, that the Clerk issue summonses naming the remaining Defendants and forward them, along with copies of the Amended Complaint (Dkt. No. 6), to the United States Marshal for service upon the Defendants, together with a copy of this Order.³ The Clerk shall also forward a copy of the summons and Amended Complaint by mail to the Office of the County Attorney for Broome County, together with a copy of this Order, and it is further

ORDERED, that a formal response to Plaintiff's Amended Complaint be filed by the Defendants or their counsel as provided for in Rule 12 of the *Federal Rules of Civil Procedure*

¹ Plaintiff does not name "Collins," "Eggleston," or "Undersheriff" as defendants in his Amended Complaint. Therefore, these individuals are dismissed as defendants in this action.

² In permitting the Amended Complaint to be filed, the Court makes no finding regarding the ultimate merits of any claims contained in the Amended Complaint.

³ Plaintiff was granted leave to proceed with this action *in forma pauperis*. Dkt. No. 5.

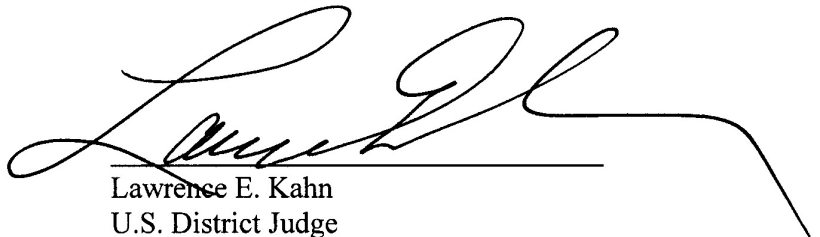
subsequent to service of process on Defendants, and it is further

ORDERED, that all pleadings, motions and other documents relating to this action must bear the case number assigned to this action and be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that a true and correct copy of it was mailed to all opposing parties or their counsel. Any document received by the Clerk or the Court which does not include a proper certificate of service will be returned, without processing.** Plaintiff must comply with requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned Magistrate Judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in his address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers without oral argument unless otherwise ordered by the Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on plaintiff by regular mail.

IT IS SO ORDERED.

DATED: April 25, 2007
Albany, New York


Lawrence E. Kahn
U.S. District Judge